

022304

165

THORPE
NORTH &
WESTERN L.L.P.
SINCE 1979
THE TEAM APPROACH TO PREMIER PERFORMANCE®

INTELLECTUAL PROPERTY LAW

PATENTS, TRADEMARKS,

COPYRIGHTS, UNFAIR

COMPETITION, TRADE SECRETS,

LITIGATION, DISPUTE RESOLUTION

AND RELATED MATTERS

SALT LAKE AREA OFFICE
8180 SOUTH 700 EAST, SUITE 200
SANDY, UTAH 84070-0562
801.566.6633
801.566.0750 FAX
PATLAW@TNW.COM
WWW.TNW.COM

U.S. MAILING ADDRESS
P.O. Box 1219
SANDY, UTAH 84091-1219

LAS VEGAS AREA OFFICE
OF COUNSEL: NEIL J. BELLER †
7408 WEST SAHARA
LAS VEGAS, NEVADA 89117
702.368.7767
† ADMITTED IN NEVADA

22390 U.S. PTO
10/784905

VAUGHN W. NORTH
M. WAYNE WESTERN
GARRON M. HOBSON
PETER M. DE JONGE
CLIFTON W. THOMPSON
STEVE M. PERRY
WEILI CHENG, PH.D.
DAVID R. MCKINNEY, PE.
GARY P. OAKESON
DAVID W. OSBORNE
DAVID L. STOTT
JASON R. JONES
PAUL C. OESTREICH, M.S.
ERIK S. ERICKSEN, M.S.
REGISTERED PATENT ATTORNEYS
NATHAN S. WINESETT
OF COUNSEL
BRYAN K. HANKS
PATENT AGENT
ALEX HAYMOND, B.S. EE
TODD B. ALDER, PH.D.
JONATHAN M. BENNS, PH.D.
AARON M. SMITH, B.S. EE
WILLIAM T. RALSTON, PH.D. EE
TECHNICAL CONSULTANTS
CALVIN E. THORPE
(1938-1999)

022304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Transmitted herewith for filing is the patent application of Dr. Charles Ebert for
TESTOSTERONE ORAL DOSAGE FORMULATIONS AND ASSOCIATED METHODS
comprising 21 pages of specification and claims.

☒ This non-provisional application claims priority to U.S. application no.
06/448,488 filed 02/21/2003.

Enclosed also are:

- ☐ _____ sheet(s) of drawings.
- ☐ Applicant claims small entity status under 37 CFR 1.9(b) & 1.27(c).
- ☐ An Assignment, with cover sheet, from the inventors to
- ☐ Declaration and Petition.
- ☐ Power of Attorney.
- ☐ A Preliminary Amendment is enclosed.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

EXPRESS MAIL LABEL NO.: EL 980208222 USDATE OF DEPOSIT: February 23, 2004

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 with sufficient postage on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Denise Dyer
Denise Dyer

- ☒ Nonpublication Request Under 35 USC 122(b)(2)(B)(i).
- ☒ A Certificate of Mailing by "Express Mail" certifying a filing date of February 23, 2004, by use of Express Mail Label No. EL 980208222 US.
- ☐ Information Disclosure Statement under 37 C.F.R. § 1.97, PTO Form-1449 with listed references attached (if indicated as being attached by the Information Disclosure Statement).

The filing fee has been calculated as shown below.

			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
FOR	NO. FILED	EXTRA	RATE	FEE	RATE	FEE
BASIC FEE			\$385.00		\$ 770.00	\$770.00
TOT. CLAIMS	-20=	0	x \$9.00 =		x \$18.00 =	
IND. CLAIMS	-03=	0	x \$43.00 =		x \$86.00 =	
MULTIPLE DEPENDENT CLAIMS PRESENTED		0	\$145.00		\$290.00	
ASSIGNMENT FILING FEE			\$40.00		\$40.00	
			TOTAL		TOTAL	\$ 770.00

- ☐ A check in the amount of _____ is enclosed to cover the filing fee.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 23 day of February, 2004.

Respectfully submitted,

M. Wayne Western

M. Wayne Western
Attorney for Applicant
Registration No. 22,788

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633

MWW
MWW/DWO/dd

Enclosures

H:\FILES\22000\22868\PTO.cvr.doc

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

Charles Ebert

Title

Testosterone Oral Dosage Formulations
and Associated Methods

Attorney Docket Number

22868.NP

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

2/23/04

Date



Signature

(801) 566-6633

Telephone number

David W. Osborne

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.